

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matters of	)	
	)	
Telecommunications Relay Services	)	CG Docket No. 03-123
and Speech-to-Speech Services for	)	
Individuals with Hearing and	)	
Speech Disabilities	)	
	)	
Structure and Practices of the	)	CG Docket No. 10-51
Video Relay Service Program	)	
	)	

**PETITION FOR WAIVER OF SECTIONS 64.613(a)(1), 64.613(a)(2), 64.613(a)(4),  
64.613(b)(2) AND 64.623(c) OF THE COMMISSION’S REGULATIONS AND  
REQUEST FOR DECLARATORY RULING TO PERMIT PROVIDERS OF DIRECT  
SIGN LANGUAGE CUSTOMER SUPPORT SERVICE TO ACCESS THE TRS  
NUMBERING DIRECTORY**

Earl W. Comstock  
General Counsel  
VTCSECURE, LLC  
1499 Gulf to Bay Blvd.  
Clearwater, FL 33755  
(202) 255-0273

July 6, 2016

## **Introduction and Summary**

The Commission has recognized that roughly 10 percent of calls requiring Video Relay Service (VRS) are made to just 100 telephone numbers. Those numbers are the customer service numbers for large corporations and Federal Government agencies. Deaf consumers who place calls to these numbers must often provide sensitive personal information, including social security numbers, bank account and tax information, and details about their work or family situation. Sometimes their questions or requests can be quickly dealt with, in others they have an ongoing relationship with the corporation or government agency. In either case the interaction would more closely approximate the experience that a hearing user would have if the customer service representative and the Deaf consumer could speak directly using Sign Language (SL) rather than through a SL interpreter. This increase in functional equivalence is a direct benefit to Deaf consumers and is an explicit Congressional objective under section 225 of the Communications Act (47 U.S.C. § 225).

There are at least two other direct public interest benefits from direct SL customer support services. The first is the savings to the Telecommunications Relay Service (TRS) Fund. Point to point video calls do not utilize an interpreter that is paid for by the TRS Fund. The TRS Fund paid over \$500 million for VRS calls in 2015. SL customer services could reduce VRS calls by up to 10 percent, or more, saving the TRS Fund tens of millions of dollars annually. In addition, direct SL customer support services provide employment opportunities for Deaf persons. All three benefits – functional equivalence, TRS Fund savings, and increased employment for Deaf persons

– can be accomplished when corporations and government agencies can easily establish SL customer support services.

Today a significant obstacle to the establishment of direct SL customer support services is the fact that under section 64.613(a) of the Commission's regulations (47 CFR §64.613(a)) providers of direct SL customer support services cannot access the Telecommunications Relay Service (TRS) Numbering Directory. This access is needed to allow direct SL customer support service providers to add the direct SL customer service telephone numbers to the TRS Numbering Directory so that VRS providers will know that calls to those numbers are to be handled as point to point video communications that are routed to the direct SL customer support service provider and are not sent to a VRS interpreter. This direct routing will result in greater efficiency, improved consumer experiences and significant savings to the TRS Fund.

In addition to access to the TRS Numbering Directory to add the telephone numbers of direct SL customer support services, each direct SL customer support service provider needs to be able to access the TRS Numbering Directory to obtain the routing information required to make outbound calls from those customer support service numbers to enable direct SL customer support service representatives to call back Deaf consumers. These call backs occur when a call from a Deaf consumer is interrupted for some reason; when a particular request needs additional research or follow-up; or when a Deaf consumer calls and is offered the option to leave their number and be called back, either when they reach the top of the queue or because the customer support service is closed at that time. These are features that are routinely available to hearing consumers and making it possible for direct SL customer support

services to provide those same features will increase the functional equivalence of the service.

Finally, the Commission needs to require VRS providers to include providers of direct SL customer support services on the VRS providers' "white list" of known Internet Protocol domain names that VRS providers have agreed to recognize as valid for purposes of routing point to point video calls. In the absence of such a requirement the Deaf consumers will be unable to reach the direct SL customer support service numbers, and vice versa, because a call to a domain name not on the VRS providers' white list will not be completed. The Commission can accomplish this requirement by declaring that a refusal to recognize and properly route video calls originating from or directed to the domain and IP address of an NANP telephone number included in the TRS Numbering Directory is a violation of the Commission's regulations.

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matters of	)	
	)	
Telecommunications Relay Services	)	CG Docket No. 03-123
and Speech-to-Speech Services for	)	
Individuals with Hearing and	)	
Speech Disabilities	)	
	)	
Structure and Practices of the	)	CG Docket No. 10-51
Video Relay Service Program	)	
	)	

**PETITION FOR WAIVER OF SECTIONS 64.613(a)(1), 64.613(a)(2), 64.613(a)(4),  
64.613(b)(2) AND 64.623(c) OF THE COMMISSION’S REGULATIONS AND  
REQUEST FOR DECLARATORY RULING TO PERMIT PROVIDERS OF DIRECT  
SIGN LANGUAGE CUSTOMER SUPPORT SERVICE TO ACCESS THE TRS  
NUMBERING DIRECTORY**

**A. Background**

1. VTCSecure LLC (“VTCSecure”) is a provider of state of the art, Cloud based, software as a service video, voice and real time text (RTT) services to businesses and government agencies. The video and RTT capabilities of our service offering makes it well suited for businesses and government agencies that would like to offer direct customer support to Deaf consumers using Sign Language (SL). The actions requested by this petition are needed to enable VTCSecure, and any other provider that chooses to do so, to be able to offer direct SL customer support service to increase functional equivalence for hearing impaired and speech impaired individuals, reduce costs to the Telecommunications Relay Service (TRS) Fund, and improve the utility of the Nation’s telephone network.

2. Deaf and Hard of Hearing persons represent over 26 million consumers who should be able to obtain customer support directly from businesses and government agencies without having to rely on a SL interpreter. Such direct customer support is available to hearing consumers today, and could be available to Deaf and Hard of Hearing consumers using Internet protocol-based video conferencing capabilities.

3. A “direct SL customer support service” is, for purposes of this petition, a service that permits consumers to use a North American Numbering Plan (NANP) telephone number to engage in real time video communications, including audio, to share information of the user’s choosing, and provides the ability for any person, including a deaf, hard of hearing, deaf-blind or speech impaired individual, to engage in communications that are functionally equivalent to voice communications by hearing individuals. The Internet Protocol based direct SL customer support service described in this petition meets the statutory definition of “telecommunications relay service” (TRS) found at 47 U.S.C. § 225(a)(3) and also the regulatory definition found at 47 CFR § 64.601(a)(32), but not the regulatory definition of “Internet-based TRS” (iTRS) found at 47 CFR § 64.601(a)(15), “Video Relay Service” (VRS) found at 47 C.F.R. § 64.601(a)(40) or “point-to-point service” found at 47 CFR § 64.5105(m). Direct SL customer support services do not meet the iTRS, VRS or point-to-point service definitions because those definitions require the participation of a communications assistant or VRS providers, respectively.<sup>1</sup> As discussed below, a “provider of direct SL

---

<sup>1</sup> See 47 CFR § 64.601(a)(15) (“connects to a TRS communications assistant using an Internet Protocol-enabled device”), 47 CFR § 64.601(a)(40) (“The video link allows the CA to view and

customer support service” is already required to register with the Commission and is subject to the Commission’s regulations, including regulations for the protection of customer privacy.<sup>2</sup>

4. In their 2013 Video Relay Service (VRS) Reform Order<sup>3</sup> the Commission found that the TRS Fund paid VRS providers for 13.1 million minutes of calls to the top 100 numbers called by Deaf consumers between July 2011 and June 2012. Those 100 numbers are the customer service numbers for large corporations and government agencies. The Social Security Administration alone accounted for 1.5 million minutes of those calls, and 7.4 million minutes of those calls went to customer service numbers for mobile, telephone, cable and satellite television providers.<sup>4</sup>

5. In October 2015 the Commission adopted a Further Notice of Proposed Rulemaking in which it sought additional comment on allowing VRS providers to place the ten-digit NANP telephone numbers of hearing individuals who are able to communicate using SL in the TRS Numbering Directory in order to facilitate point to point video calls between those individuals and Deaf individuals.<sup>5</sup> In the *VRS Reform FNPRM* the Commission reiterated that, as the Commission “stated in the *Second TRS Numbering Order*, ‘point-to-point services even more directly support the [purposes of

---

interpret the party’s signed conversation...”) and 47 CFR § 64.5105(m) (“over VRS provider facilities” and “assigned to customers by VRS providers”).

<sup>2</sup> See *infra*, Part C.

<sup>3</sup> *In the Matter of Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Report and Order and Further Notice of Proposed Rulemaking (rel. June 10, 2013) (*VRS Reform Order*).

<sup>4</sup> *Id.* at ¶ 223.

<sup>5</sup> *In the Matter of Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, Further Notice of Proposed Rulemaking (rel. Nov. 3, 2015) (*VRS Reform FNPRM*) at ¶¶ 60 – 65.

section 225]: they are more rapid in that they involve direct, rather than interpreted, communication; they are more efficient in that they do not trigger the costs involved with interpretation or unnecessary routing; and they increase the utility of the Nation's telephone system in that they provide direct communication – including all of the visual cues that are so important to persons with hearing and speech disabilities.”<sup>6</sup> The Commission continued that “[p]rior comments suggest that enabling eligible VRS users to communicate directly... will not only conserve the resources of the TRS Fund but will also allow more natural, efficient, and effective communication between the parties.”<sup>7</sup> The same statements apply with even greater force to allowing the inclusion of ten-digit NANP telephone numbers for direct SL customer support services in the TRS Numbering Directory.

**B. Current Regulations and Practice Prevent Non-VRS Providers from Being Able to Provide Point-to-Point Video Calls Between VRS Users and Direct SL Customer Support Service Telephone Numbers**

1. Section 64.613(a)(1) of the Commission's regulations<sup>8</sup> directs that the TRS Numbering Directory “contain records mapping the geographically appropriate NANP telephone number of each Registered Internet-based TRS User to a unique Uniform Resource Identifier (URI).” Section 64.601(a)(27) defines “Registered Internet-based TRS User” as “an individual that has registered with a VRS or IP Relay provider as described in §64.611.”<sup>9</sup> The current regulations effectively prohibit the inclusion of

---

<sup>6</sup> *Id.* at ¶ 61 (brackets and quotation marks in original, footnote omitted).

<sup>7</sup> *Id.* at ¶ 62 (brackets added, footnote omitted).

<sup>8</sup> 47 CFR § 64.613(a)(1).

<sup>9</sup> 47 CFR § 64.601(a)(27).



NANP telephone numbers for direct SL customer support services in the TRS Numbering Directory because the direct SL customer support service may or may not be “an individual” (no definition of “individual” is provided) and may or may not meet the registration requirements of section 64.611 of the Commission’s regulations.<sup>10</sup> Because the direct SL customer support service telephone number is for a business or government agency rather than a specific person, and because multiple direct SL customer support representatives, who may or may not be deaf or speech impaired, can be reached using that customer support number, it is a stretch to argue that the term “individual” properly applies. In addition, each direct SL customer support representative may or may not be a registered VRS user, and in any event the business or agency customer support number the Deaf consumer is calling is not the personal VRS number of any of the SL customer support representatives. Even assuming, *arguendo*, that a SL customer support number could be found to be “an individual” that is able to meet the requirements of section 64.611, the regulations clearly require that the user be “registered with” a VRS provider.<sup>11</sup> Herein lies the difficulty – the provision of direct SL customer support service reduces the number of compensable VRS minutes for which a VRS provider is paid by the TRS Fund. As a result, a VRS provider has no incentive, and in fact has an understandable dis-incentive, to facilitate direct SL customer support service by registering direct SL customer support service NANP

---

<sup>10</sup> 47 CFR § 64.611. Section 64.611 requires, among other things, that a user must attest that they have a hearing or speech disability and provide their full name, address, date of birth, and last four digits of their social security number.

<sup>11</sup> 47 CFR § 64.601(a)(27).

telephone numbers or providing them as a service to businesses and government agencies.<sup>12</sup>

2. Another barrier in the Commission's regulations is found in section 64.613(a)(2)<sup>13</sup> because the language of that section directs the format for the records in the TRS Numbering Directory. As presently written those instructions are limited to geographically appropriate NANP telephone numbers for VRS users and IP Relay users. Because direct SL customer support service does not meet the definition of VRS<sup>14</sup> the absence of instructions for the format for the URI needed to properly resolve the IP address of any direct SL customer support service leaves open the possibility for disputes among VRS and direct SL customer support service providers over how to properly route communications between a VRS user device and a direct SL customer support service user device.<sup>15</sup>

---

<sup>12</sup> At present rates, a VRS provider receives a minimum of \$3.68 per minute of VRS service, an amount that significantly exceeds the rate that VRS providers could expect to receive from businesses and government agencies for providing SL customer support numbers. *See 2015 VRS Reform FNPRM* at ¶ 5 (table showing rates for Tier III for Jul.-Dec. 2016). Because calls to direct SL customer support service telephone numbers are point-to-point video calls that are not compensable from the TRS Fund, each minute of direct SL customer support service results in a corresponding reduction in compensable VRS minutes. *See In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Second Report and Order and Order on Reconsideration (rel. Dec. 19, 2008) (*Second TRS Numbering Order*) at ¶ 65 and 47 CFR § 64.604(c)(5)(iii)(N)(13)(iv). However, because VRS providers "historically have included the costs of provisioning a network capability of routing point-to-point calls in the costs submitted to the TRS Fund Administrator for purposes of developing TRS rates" the Commission has required VRS providers to connect point-to-point video calls between VRS users free of charge. *See VRS Reform Order* at ¶ 97, note 224.

<sup>13</sup> 47 CFR § 64.613(a)(2).

<sup>14</sup> *See* 47 CFR § 64.601(a)(40), which requires the participation of a communications assistant.

<sup>15</sup> *See infra*, section B.4.

3. The limitations on which NANP telephone numbers may be included in the TRS Numbering Directory are independently reinforced by the explicit restriction in section 64.613(a)(4), which states that “[o]nly the TRS Numbering Administrator and Internet-based TRS providers may access the TRS Numbering Directory.”<sup>16</sup> It would appear that a direct SL customer support service provider does not meet the definition of an “Internet-based TRS provider” because that definition is limited to telecommunications relay service “in which an individual with a hearing or speech disability connects to a TRS communications assistant...”<sup>17</sup> A “communications assistant” is defined as “a person who transliterates or interprets conversation between two or more end users of TRS.”<sup>18</sup> Direct SL customer support service eliminates the need for a communications assistant because the customer support representative that a Deaf consumer reaches through the direct SL customer support service telephone number is able to sign for themselves, so no transliteration or interpretation is needed between the end users. As a result, a provider of a direct SL customer support service to a business or government agency that is not also a VRS provider, for example VTCSecure, is unable to access the TRS Numbering Directory to provide the necessary routing information to enable inbound calls to the direct SL customer support service telephone numbers or to obtain the information needed to properly route outbound calls from those direct SL customer support service numbers to registered VRS users.

4. In addition to the Commission’s regulations, a practice that may prevent the provision by non-VRS providers of outbound point to point video calls from business

---

<sup>16</sup> 47 CFR § 64.613(a)(4) (brackets added).

<sup>17</sup> 47 CFR §64.601(a)(15).

<sup>18</sup> 47 CFR §64.601(a)(10).

or government agency direct SL customer support service numbers to VRS users is found in the US VRS Provider Interoperability Profile that has been adopted by the SIP Forum Video Relay Service Task Group.<sup>19</sup> Section 9.2.2.1 of the Profile states that “[a]uthentication of the peer provider is achieved by checking the source IP address of the SIP signaling traffic received on R1 to ensure that the sender’s address is one the known peering addresses for the peer provider.”<sup>20</sup> Section 9.2.3 then states “[i]f the source IP address of the request is not in the list of peers then the request *must not be processed*.”<sup>21</sup> In other words, if the source IP address of the SL customer service number is not associated with one of the “peer providers” – i.e., another VRS provider – then the VRS provider is directed not to complete the call to its VRS end user.

5. Finally, sections 64.613(b)(2)<sup>22</sup> and 64.623(c)<sup>23</sup> of the Commission’s regulations may prevent the TRS Numbering Administrator that manages the TRS Numbering Directory from allowing anyone other than a VRS provider to access the TRS Numbering Directory, either to provide routing information for SL customer service numbers or to obtain routing information to connect outbound video or text calls from SL customer service numbers to VRS users. Section 64.613(b)(2) requires the TRS Numbering Administrator to administer the TRS Numbering Directory “according to the terms of its contract.”<sup>24</sup> Section 64.623(c) likewise requires the TRS Numbering

---

<sup>19</sup> VRS US Providers Profile TWG-6-1.0 (Sep. 23, 2015), available at [http://www.sipforum.org/component/option,com\\_docman/task,cat\\_view/gid,134/Itemid,261/](http://www.sipforum.org/component/option,com_docman/task,cat_view/gid,134/Itemid,261/) (viewed Jul. 2, 2016).

<sup>20</sup> *Id.* at 15 (brackets added).

<sup>21</sup> *Id.*, at 16 (brackets and emphasis added).

<sup>22</sup> 47 CFR § 64.613(b)(2).

<sup>23</sup> 47 CFR § 64.623(c).

<sup>24</sup> *Op. cit.*

Administrator to “administer pursuant to the terms of its contract.”<sup>25</sup> Because the Commission’s contract with the TRS Numbering Administrator is not a public contract it is not possible to determine whether the contract poses a bar. However, in a prior order granting access to non-VRS providers to the TRS Numbering Directory the Commission waived these provisions of its regulations.<sup>26</sup>

**C. Providers of Direct Sign Language Customer Support Service to Businesses or Government Agencies Are Already Subject to the Commission’s Jurisdiction**

1. A provider of direct SL customer support service to businesses or government agencies would be providing a communication service subject to the Commission’s jurisdiction over communication by radio or wire under the Communications Act.<sup>27</sup> While a provider of direct SL customer support service to businesses or government agencies may or may not be a common carrier under the Communications Act, such a provider is undoubtedly providing advanced communications services<sup>28</sup> and, for an interoperable video conferencing service<sup>29</sup> using

---

<sup>25</sup> *Op. cit.*

<sup>26</sup> See *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Order (rel. Nov. 23, 2015) at ¶6 (“We also waive sections 64.613(b)(2) and 64.623(c) as to the TRS Numbering Administrator, Neustar, to the extent either of these provisions separately prohibits Neustar from granting... access to the directory.”).

<sup>27</sup> 47 U.S.C. §§ 153(40) and (59).

<sup>28</sup> 47 U.S.C. § 153(1) defines “advanced communications service” as interconnected VoIP service, non-interconnected VoIP service, electronic messaging service, and interoperable video conferencing service.

<sup>29</sup> 47 U.S.C. § 153(27) defines “interoperable video conferencing service” as “a service that provides real-time video communications, including audio, to enable users to share information of the user’s choosing.” The direct SL customer support service described in this petition is an

Internet Protocols, would also be an interconnected VoIP service<sup>30</sup> subject to section 715 of the Communications Act.<sup>31</sup>

2. Section 64.604(c) of the Commission's regulations requires all common carriers, interconnected Voice over Internet Protocol (VoIP) and non-interconnected VoIP providers to register with the Commission using FCC Form 499-A and report their interstate revenues to the Commission.<sup>32</sup> Form 499-A must be submitted under oath and penalty of perjury, and includes information needed for the Commission to be able to find and take enforcement action against the provider.<sup>33</sup> As a result any provider of direct SL customer service is already required to register with the Commission, report its interstate revenues, and be subject to enforcement by the Commission.

3. The Commission's explanation in June of 2008 for limiting access to the TRS Numbering Directory to iTRS providers in section 64.613(a)(4)<sup>34</sup> was not expansive, with the *TRS Numbering Order* saying only that "the record reflects that

---

interoperable video conferencing service, the audio portion of which enables real-time, two-way voice communication.

<sup>30</sup> 47 U.S.C. § 153(25). The statutory definition incorporates the Commission's regulatory definition in 47 CFR § 9.3. Section 9.3 of the Commission's Regulations defines "interconnected VoIP service" as a service that "(1) Enables real-time, two-way voice communications; (2) Requires a broadband connection from the user's location; (3) Requires Internet protocol-compatible customer premises equipment (CPE); and (4) Permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network." *Id.* The direct SL customer support service described in this petition would use North American Numbering Plan telephone numbers that permit origination and termination of calls on the PSTN and the audio portion of the interoperable video service otherwise meets the requirements of the Commission's VoIP definition.

<sup>31</sup> 47 U.S.C. § 616. As an interconnected VoIP provider a direct SL customer support service provider would also be subject to the Commission's 911 regulations. See 47 CFR §§ 9.1 – 9.7.

<sup>32</sup> 47 CFR § 64.604(c)(5)(iii).

<sup>33</sup> 47 CFR §§ 64.604(c)(5)(iii)(C)(2) and (3).

<sup>34</sup> 47 CFR §§ 64.613(a)(1), (a)(2) and (a)(4).

there are significant concerns regarding the ability to maintain the security of the central database if public direct access is allowed” and that “allowing direct public access to the central database would jeopardize the privacy of Internet-based TRS users.”<sup>35</sup> The footnotes supporting those two statements referenced comments filed by VRS providers. The report of the Alliance for Telecommunications Industry Solutions that was cited extensively in the *TRS Numbering Order* provided some additional detail on the concerns, which were primarily focused on protecting Deaf consumers from improper marketing practices by VRS providers and from criminal activities such as identity theft or financial scams.<sup>36</sup> These are of course legitimate concerns for the Commission, and VTCSecure supports measures to ensure customer privacy and prevent fraudulent or criminal activities. Fortunately, the Commission addressed these concerns directly in the later *VRS Reform Order* by adopting Subpart EE of the Commission’s regulations.<sup>37</sup>

4. As discussed *supra* in section A.3, direct SL customer support service meets the definition of “telecommunications relay service” found in section 225(a)(3) of the Communications Act<sup>38</sup> because it provides “the ability for an individual who is deaf, hard of hearing, deaf-blind, or who has a speech disability to engage in communication

---

<sup>35</sup> *In the Matter of Telecommunications Replay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, Report and Order and Further Notice of Proposed Rulemaking (rel. Jun. 24, 2008) (*TRS Numbering Order*) at ¶ 66 (footnotes omitted).

<sup>36</sup> *Numbering for Internet-based Relay Services*, Report of the Alliance for Telecommunications Industry Solutions, Washington, D.C. (Dec. 19, 2007) at 11 – 12, available at <http://www.atis.org/INC/Docs/finaldocs/Numbering-for-Internet-Based-Relay-Services-12-19-07.doc> (viewed July 5, 2016).

<sup>37</sup> See 47 CFR §§ 64.5101 – 64.5111, which were first adopted in the *VRS Reform Order* in 2013. See *VRS Reform Order* at ¶¶ 155 – 172 and Appendix A.

<sup>38</sup> 47 U.S.C. § 225(a)(3).

by wire or radio with one or more individuals, in a manner that is functionally equivalent to the ability of a hearing individual who does not have a speech disability to communicate using voice communication services by wire or radio.”<sup>39</sup> A direct SL communications support service also meets the definition of “telecommunications relay service” in the Commission’s regulations.<sup>40</sup> As a result, a direct SL customer support service provider is a “TRS provider” as defined in section 64.5103(s) of the Commission’s regulations<sup>41</sup> and is subject to the same customer proprietary network information (CPNI) safeguards that apply to VRS providers who are given access to the TRS Numbering Directory.

5. In the event that the Commission needed to establish requirements different from those that already apply to providers of direct SL customer service who are not also common carriers, sections 222, 225 and 715 of the Communications Act could support the Commission’s use of ancillary authority to establish any additional needed safeguards.<sup>42</sup>

#### **D. The Commission Should Waive its Regulations to Allow Providers of Direct Sign Language Customer Service to Access the TRS Numbering Directory**

1. Direct SL customer support service will “increase the utility of the telephone system of the Nation” by improving the privacy and functional equivalence of

---

<sup>39</sup> *Id.*

<sup>40</sup> See 47 CFR § 64.601(a)(32) and 47 CFR § 64.5103(p) (adopting definition at 47 CFR § 64.601(a)(32)).

<sup>41</sup> 47 CFR § 64.5103(s).

<sup>42</sup> 47 U.S.C. §§ 222, 225 and 616. See also *VRS Reform Order* at ¶ 171 and note 432 (describing why privacy protections for point-to-point video calls are needed and are similar to privacy protections the Commission has already imposed on interconnected VoIP service providers).



communications for hearing-impaired and speech impaired individuals.<sup>43</sup> Direct SL customer service does so because such service will allow Deaf and Hard of Hearing consumers to convey their information in person to the customer support representative, without the assistance of a third party, just as hearing users do today.<sup>44</sup> In addition, direct SL customer support service will provide the “visual cues that are so important to people with hearing and speech disabilities” to enhance the ability of the consumer and the customer support representative to communicate accurately the information they are trying to convey.<sup>45</sup>

2. Section 225(b)(1) of the Communications Act directs the Commission to ensure that telecommunications relay services<sup>46</sup> are made available “in the most efficient manner to hearing impaired and speech impaired individuals in the United States.”<sup>47</sup> Direct video communication for consumers who use SL is more efficient, as the Commission has recognized, because it “more directly supports the named purposes [of section 225 because it] is more rapid” and “does not trigger the costs involved with interpretation or unnecessary routing....”<sup>48</sup>

3. Calls to customer support representatives make up a significant percentage of the VRS calls paid for by the TRS Fund. The Commission found that “the

---

<sup>43</sup> See 47 U.S.C. 225(b)(1).

<sup>44</sup> See 47 U.S.C. 225(a)(3).

<sup>45</sup> *Second TRS Numbering Order* at 67.

<sup>46</sup> As noted, *supra*, the direct SL customer support service described in this petition meets the statutory definition of “telecommunications relay service” found at 47 U.S.C. § 225(a)(3) and also the regulatory definition found at 47 CFR § 64.601(a)(32), but not the regulatory definition of “video relay service” found at 47 C.F.R. § 64.601(a)(40) or “point-to-point service” found at 47 CFR § 64.5105(m).

<sup>47</sup> 47 U.S.C. § 225(b)(1).

<sup>48</sup> *Second TRS Numbering Order* at ¶ 67.

top 100 telephone numbers called by VRS users for the period July 1, 2011 to June 30, 2012 accounted for a total of 13.1 million minutes – over 12% of the total compensable VRS minutes of use for that year.”<sup>49</sup> At the present minimum compensation rate for VRS those 13.1 million minutes represent a cost to the TRS Fund of \$50,566,000. Allowing non-VRS providers to offer direct SL customer support services to any and all businesses and government agencies would allow market forces to reduce the number of VRS minutes the TRS Fund needs to pay for each year, particularly if one or more of the businesses and agencies on that top 100 list were to contract for such direct SL customer support services.

4. To permit direct SL customer support services the Commission should:

a. Waive application of section 64.613(a)(1) of the Commission’s regulations<sup>50</sup> to the extent such regulation requires registration with a VRS provider or the use of a communications assistant.

b. Waive application of section 64.613(a)(2) of the Commission’s regulations<sup>51</sup> to the extent needed to require that the record associated with a direct SL customer support service user’s geographically appropriate NANP telephone number shall consist of the URI that contains the IP address of the user’s device.

---

<sup>49</sup> *VRS Reform Order* at ¶ 223.

<sup>50</sup> 47 CFR § 64.613(a)(1).

<sup>51</sup> 47 CFR § 64.613(a)(2).

c. Waive application of section 64.613(a)(4) of the Commission's regulations<sup>52</sup> to permit providers of direct SL customer support services to access the TRS Numbering Directory.

d. Waive application of sections 64.613(b)(2) and 64.623(c)<sup>53</sup> to the extent such regulations would prevent the TRS Numbering Administrator from allowing direct SL customer support service providers from accessing the TRS Numbering Directory.

**E. The Commission Should Issue a Declaratory Ruling That VRS Providers are Required to Route and Connect All Communications Between Telephone Numbers Listed in the TRS Numbering Directory**

1. The Commission in the *Second TRS Numbering Order* stated unequivocally that "point-to-point calls... constitute an important form of communication for many VRS users, and any loss of such basic functionality is simply not acceptable."<sup>54</sup> The Commission then went on to clarify that "all default providers must support the ability of VRS users to make point-to-point calls without the intervention of an interpreter."<sup>55</sup>

2. To ensure that VRS users are able to benefit from direct SL customer support services the Commission should issue a Declaratory Ruling to clarify that, consistent with the Commission's longstanding policy regarding interoperability, VRS providers are obligated to support the ability of VRS users to make direct video, voice

---

<sup>52</sup> 47 CFR § 64.613(a)(4).

<sup>53</sup> 47 CFR §§ 64.613(b)(2) and 64.623(c).

<sup>54</sup> *Second TRS Numbering Order* at ¶ 65 (footnote omitted).

<sup>55</sup> *Id.*

and text calls to, and receive direct video, voice and text calls from, any NANP telephone number listed in the TRS Numbering Directory, including direct SL customer support service NANP telephone numbers, using the routing information for each such number contained in the TRS Numbering Directory.

### **Conclusion**

For the reasons set forth above the Commission should expeditiously issue the requested waivers and Declaratory Ruling.

Respectfully submitted,

/s/ Earl W. Comstock

Earl W. Comstock  
General Counsel  
VTCSECURE, LLC  
1499 Gulf to Bay Blvd.  
Clearwater, FL 33755  
(202) 255-0273

July 6, 2016